

APPEAL FROM ORDER No 516 of 1998

Hon'ble MR.JUSTICE A.R.DAVE

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5. Whether it is to be circulated to the Civil Judge? : NO
1 to 5: No

[illegible]

Versus

LAXMANBHAI VELJIBHAI KHUT

MR KV SHELAT for Petitioner
MR JR PANDYA for Respondent No. 1
MR RM CHHAYA for Respondent No. 2

Date of decision: 03/11/1999

Admit. Id. Advocate Shri Pandya waives service for respondent No. 1 and ld. advocate Shri R.M. Chhaya waives service for respondent No. 2.

2. Id. Advocate Sri K.V. Shelat appearing for the appellant has made a very short submission. He has submitted that by virtue of the impugned order, the appellant has been restrained from dealing with the land in question or transfer possession of the land in question. He has no objection to the said direction but by virtue of the impugned order it has also been directed that no change should be made on the land in question. The only submission which ld. advocate Shri Shelat has made is that the appellant would like to construct a compound wall covering the land in question so that nobody can make an encroachment on the land. It does not appear to be in dispute that the possession of the land in question is with the present appellant.

3. In the circumstances, the impugned order is modified to the effect that the appellant would be permitted to put up construction of a compound wall so that the land in question can be covered and protected from encroachers. It is clarified that no equity will be created in favour of the appellant by the said construction.

In view of the above order, the impugned order stands modified and the appeal is allowed to the above extent with no order as to costs.

(hn)